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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/213,510 12/17/98 BRANDT

P 3557-US

MMC2/0228

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SUITE 473
NEW YORK NY 10017

EXAMINER

NGUYEN, D

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 02/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/213,510

Applicant(s)
Brandt et al.

Examiner
Dung Nguyen

Group Art Unit
2871



☒ Responsive to communication(s) filed on Jan 23, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2871

The request filed on 01/23/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/213,510 is acceptable and a CPA has been established. An action on the CPA follows.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasco, US Patent No. 4,323,951, in view of Ogura et al., US Patent No. 5,915,822.

Regarding claims 1-7, 9, 11-14, Pasco discloses a vehicle panel (fig. 1) comprising:

- a plastic panel (1) having a dial plate (opaque screen 17) and an illuminate display character (16) located in a cut-out of the dial plate, wherein the display is arranged in the same plane as a front surface of the front of the dial plate to form therewith a single component with a continuous surface (fig. 2);
- a light source (12).

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Although Pasco does not explicitly disclose the display being a liquid crystal display (LCD), one of ordinary skill in the art would have realized the desire to use an LCD (i.e. according to an LCD device, the display inherently included a front panel, a rear panel and polarizers, a spacer between the polarizers and the panel) as a display in the Pasco's device as evidence from Ogura et al. device. Therefore, it would have been obvious to one skill in the art at the time of the invention was made to use modify the Pasco's device having an LCD since it is a common practice in the art to obtain a meter with a thin structure (col. 6, ln. 11).

Regarding claims 8, 15, the modification to Pasco discloses the claimed invention as described above except for a support element located at the back of the dial plate. However, one of ordinary skill in the art would have realized the desire to form a support element in the back of a dial plate to support the dial plate and a display. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the Ogura et al. meter having a support member because it is a common practice in the art to fix a dial plate and a display on the support member.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7722.


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Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
02/22/2001


William L. Sikes
Supervisory Patent Examiner
Group 2871